

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference 539.6000.11 | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/US2004/042376 | International filing date (<i>day/month/year</i>) 17 December 2004 (17.12.2004) | Priority date (<i>day/month/year</i>) 17 December 2003 (17.12.2003) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant MEDTRONIC PHYSIO-CONTROL CORP. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis.2).

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Date of issuance of this report 20 June 2006 (20.06.2006) |
| | Authorized officer Agnes Wittmann-Regis |
| Facsimile No. +41 22 740 14 35 | |
| Telephone No. +41 22 338 89 70 | |

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 22 MAR 2005

WIPO

PCT

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference

see form PCT/ISA/220

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US2004/042376

International filing date (day/month/year)

17.12.2004

Priority date (day/month/year)

17.12.2003

International Patent Classification (IPC) or both national classification and IPC

A61N1/39, A61N1/18, A61N1/08

Applicant

MEDTRONIC PHYSIO-CONTROL CORP.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80299 Munich
Tel. +49 89 2399 - 0 Tx: 529656 epnu d
Fax: +49 89 2399 - 4485

Authorized Officer

Chopinard, M

Telephone No. +49 89 2399-7365



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/042376

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/042376

**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or
Industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | |
|-------------------------------|-------------|------|
| Novelty (N) | Yes: Claims | |
| | No: Claims | 1-31 |
| Inventive step (IS) | Yes: Claims | |
| | No: Claims | 1-31 |
| Industrial applicability (IA) | Yes: Claims | 1-31 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V.

- 1 Reference is made to the following documents:

D1 : US 5 105 821 A (REYES ET AL) 21 April 1992 (1992-04-21)

D2 : EP 1 250 944 A (GE MEDICAL SYSTEMS INFORMATION TECHNOLOGIES, INC) 23 October 2002 (2002-10-23)

D3 : US 3 865 101 A (SAPER ET AL) 11 February 1975 (1975-02-11)

D4 : WO 01/66182 A (CARDIAC SCIENCE, INC) 13 September 2001 (2001-09-13)

- 2 Although **claims 1, 22 and 28** have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT. For this reason, only claim 1 will be studied in details.

3 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claim 1** is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document) a **modular external defibrillator** system, comprising:

a **base** (element 14, figure 1) containing a **defibrillator module** to deliver a defibrillation shock to a patient;

a **patient parameter monitoring pod** (monitor 14, figure 1) connectable to a patient via patient lead cables to collect patient data, the patient data including at least one patient vital sign; and

a **power supply sharing link** (link 40, figure 1) between the base and the pod, the pod receiving power from the base via the power sharing link, the pod being operable to collect patient data without receiving power from the base (column 5, line 4-34).

4 DEPENDENT CLAIMS 2-21

Dependent claims 2-21 contain either features known per se from the prior art or being simple constructional features. Thus they would only satisfy Art. 33(2),(3) PCT when referring to a patentable independent claim.

- 5 In order to facilitate the examination of the conformity of the amended application with the requirements of Art. 34(2)(b) PCT, the applicant is requested to **clearly identify the amendments carried out**, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based (see also Rule 66.8(a) PCT).

If the applicant regards it as appropriate these indications could be submitted in handwritten form on a copy of the relevant parts of the application as filed.